

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Election/Restriction Office Action mailed on November 20, 2006, and the references cited therewith.

Claims 12 and 14-20 are amended, claim 13 is canceled, no claims have been added, claims 23-55, and 66-69 have been withdrawn; as a result, claims 1-22, 56-65, and 70-79 are now pending in this application.

Information Disclosure Statement

Applicant respectfully requests that a copy of the 1449 Form, listing all references that were submitted with the Information Disclosure Statement filed on March 12, 2004, marked as being considered and initialled by the Examiner, be returned with the next official communication.

Election/Restrictions

Restriction to one of the following groups was required:

Species 1, reading on figure 1A

Species 2, reading on figure 1B

Species 3, reading on figure 1C

Species 4, reading on figure 1D

Species 5, reading on figure 1E

Species 6, reading on figure 1F

Applicant was required under 35 USC 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held allowable. Applicant provisionally elects, with traverse, to prosecute the invention of Species 1 corresponding to an embodiment described in Figure 1A and claims readable thereon are 1-22, 56-65, and 70-79. The Election of Species is traversed on the basis that an Election of Species is optional. MPEP §803. As the section further states, if the search and examination of all the claims in

an application can be made without serious burden, the Examiner must examine it on the merits.

Independent claims 1, 12 (as amended), 56, and 70 are drawn to embodiments of a first binary oxide and a second binary oxide selected from a first group of CdO, SrO, CaO, and MgO which can be used in any of the Species the Examiner has associated with Figures 1A-1F. In searching for references for each embodiment of the independent claims, the Examiner will likely be identifying references applicable to each of the Examiner noted Species. Therefore, a search for references to allow examination on the merits of all independent claims in the present application will not create a serious burden on the Examiner.

Finally, it is submitted that Applicant should not be required to incur the additional costs associated with the filing of multiple applications in order to obtain protection for the claimed subject matter. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the Election/Restriction Requirement such that Species 1-6 remain united for further prosecution on the merits.

In either event, Applicant respectfully submits that claims 1-22, 56-65, and 70-79 pertain to the provisionally elected Species 1, as associated by the Examiner to Figure 1A.


CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Gregg W. Wisdom at (360) 212-8052 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

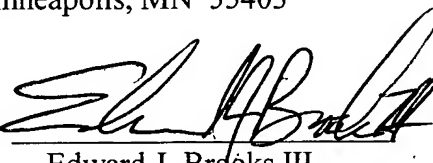
CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AMENDMENT Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 18th day of December, 2006.

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Respectfully Submitted,
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By: 
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Date: 12/18/2006